

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KITTY GRAHAM,)	
)	
Plaintiff,)	
)	
v.)	2:06-CV-00270-WKW
)	
COLONIAL BANK, et al.,)	
)	
Defendants.)	

ORDER

On April 18, 2006, Defendant *Colonial BancGroup, Inc.* filed a **Motion to Dismiss** (Doc. 6), to which Plaintiff timely responded in opposition.

Defendant *Colonial BancGroup, Inc.* filed on May 16, 2006 a *Supplemental Motion to Dismiss* (Doc. 9) and requests therein "that the Court expand [its] Motion to Dismiss to include any claims which [the Plaintiff] may have brought in this action on the basis of the Age Discrimination in Employment Act " For good cause, it is

ORDERED that the Plaintiff may file a response to the *Supplemental Motion*, not later than May 31, 2006, to show any cause why the Defendant's *Supplemental Motion* should not be granted.

The pro se plaintiff is advised that if she fails to file any response, the court will proceed to decide the merits of Defendant's contention that "to the extent [Plaintiff] attempts to make any ADEA claims against BancGroup, these claims are due to be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) as BancGroup was not covered by the ADEA during the time period in question."

Done this 17TH day of May, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE